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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,704	09/19/2003	Joseph J. Bella	14000	6017

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PAUL F. DONOVAN  
ILLINOIS TOOL WORKS INC.  
3600 WEST LAKE AVENUE  
GLENVIEW, IL 60025

EXAMINER
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LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/665,704

Applicant(s)

BELLA ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, having the second latch component with the track component and the first latch component with the follower instead of vise versa, as claimed in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to because of the following informalities:
  - Figure 6, change "60" to -70-.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The specification is objected to because of the following informalities:

- Paragraph 30 Line 2, change "second latch component 18 into first latch component 16" to -second latch component 20 into first latch component 18-.
- Paragraph 31 Line 4, change "pin 96" to -pin 94-.

Appropriate correction is required.

***Claim Objections***

4. **Claim 18 is objected** to because of the following informalities:

- Claim 18 Line 1, add -first- after "including a".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-9,12-13, and 18-20 are rejected** under 35 U.S.C. 102(b) as being anticipated by DE 29702278 to Chang et al (Chang).

Regarding claims 1 and 12, Chang discloses a container (3) comprising a pocket (desk openings) and a drawer (31) slidably relative to the pocket in an axial

direction between closed position within the pocket and an open position at least partly out of the pocket.

A latch mechanism (Figure 2) has a first latch component (1) on the pocket and a second latch component (2) on the drawer.

One of the latch components has a track component that includes a nest (at 1131), an entrance track (112) leading to the nest, an exit track (114) from the nest, and a redirector (at 113) associate with the nest and the tracks.

The other of the latch components has a follower (22) moveable along the tracks and moveable into and out of the nest upon transition from the entrance track to the exit track.

One of the latch components is substantially fixed relative to one of the pocket and drawer that it is on; and the other is translatable to the direction with respect to the one of the pocket and drawer that it is on.

As to claims 2 and 13, Chang discloses that the follower (22) is translatable transverse to the axial direction.

As to claim 3, Chang illustrates that the follower (22) is disposed on the drawer (Figure 3).

As to claims 4 and 7, Chang discloses that the drawer has an inner end wherein the follower is disposed.

As to claim 5, Chang illustrates that the track component is disposed in the pocket (Figure 3).

As to claim 6, Chang illustrates that the track component is substantially fixed in position relative to the pocket (Figure 3).

As to claim 8, Chang discloses that the pocket has a spring (124) engaged by the drawer (by means of 127) for urging the drawer outwardly from the pocket.

As to claim 9, Chang illustrates that the track component includes a guide (Figure 4) leading into the entrance track.

As to claim 18, Chang illustrates that the redirector (at 113) includes a surface for guiding the follower into the notch from the entrance track and a second surface for guiding the follower into the exit track from the notch (Figures 4-7).

As to claims 19 and 20, Chang illustrates a method for closing, latching, unlatching, and opening a container (Figures 4-7).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 10 is rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 29702278 to Chang et al (Chang) as applied to claim 1 above, and further in view of JP 11270212 to Sasaki.

Chang fails to disclose that the pocket has a top with an inner surface wherein the track component is disposed. Chang illustrates that the pocket has a top with an

inner surface, however the track component is disposed on an end wall of the pocket, not at the inner surface of the top part.

Sasaki teaches that it is well known in the art to have a track component disposed on an inner surface of the top part of the pocket (Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the track component disposed on the inner surface of the top part of the drawer, instead of being disposed at an end wall of the pocket, as taught by Sasaki, into a device as described by Chang, because the location where the track component is located does not change the mechanism of the lock.

9. **Claims 11 and 14-17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 29702278 to Chang et al (Chang) in view of JP 11270212 to Sasaki as applied to claims 10 and 12 above, and further in view of EP 982454 to Pryce.

Regarding claims 11 and 14, Chang, as modified by Sasaki, fails to disclose that the drawer defines a slot transverse to the axial direction, and the follower is slidably disposed in the slot.

Pryce teaches that it is well known in the art to have a slot (3) wherein a follower (2) is slidably disposed so as to help and guide the follower when it is connected to a track component (10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a slot wherein a follower is slidably disposed, as taught by Pryce, into a device as described by Chang, as modified by Sasaki, in order to help and guide the follower when it is connected to a track component.

As to claim 15, Chang discloses that the pocket has a spring (124) engaged by the drawer (by means of 127) for urging the drawer outwardly from the pocket.

As to claim 16, Chang illustrates that the track component includes a guide (Figure 4) leading into the entrance track.

As to claim 17, Chang fails to disclose that the pocket has a top with an inner surface wherein the track component is disposed. Chang illustrates that the pocket has a top with an inner surface, however the track component is disposed on an end wall of the pocket, not at the inner surface of the top part.

Sasaki teaches that it is well known in the art to have a track component disposed on an inner surface of the top part of the pocket (Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the track component disposed on the inner surface of the top part of the drawer, instead of being disposed at an end wall of the pocket, as taught by Sasaki, into a device as described by Chang, because the location where the track component is located does not change the mechanism of the lock.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.L.

Carlos Lugo  
Examiner  
Art Unit 3676

March 14, 2005

*Daniel P Stodola*

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600